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State of New Jersey

Department of Environmental Protection

Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

CERTIFIED MAIL

Return Receipt Requested

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JUL 18 2001

Gordon S. Kuntz, Ph.D.
Senior Environmental Project Manager
The Sherwin-Williams Company
101 Prospect Avenue, NW
Cleveland, OH 44115-1075

Re: Sherwin-Williams Gibbsboro Site (Paint Works Corporate Center)
February 6, 2001 – Remedial Investigation Report
February 6, 2001 – Letter responding to NJDEP's October 31, 2000 Comments

Dear Mr. Kuntz:

As you are aware, Sherwin-Williams signed an Administrative Consent Order ("ACO") on or about September 20, 1990. Paragraph 71 of the ACO allows the New Jersey Department of Environmental Protection ("NJDEP" or "the Department") "the right to unilaterally terminate" the ACO if Sherwin-Williams "violates the terms or fails to meet the obligations" of the ACO, "if the violations are not ceased and the deficiencies are not cured within 14 calendar days of receipt of written notification from the Department." This letter shall serve as notification that NJDEP is hereby unilaterally terminating the ACO.

The Department issued comments to Sherwin-Williams' Remedial Investigation Report ("RI Report") on October 31, 2000. As you will recall, NJDEP's comments were rather lengthy due to the number of deficiencies in the RI Report. Pursuant to Paragraph 38 of the ACO, Sherwin-Williams was then required to submit a modified RI Report to the Department, which incorporated NJDEP's comments. Sherwin-Williams had thirty (30) days in which to do so. As Sherwin-Williams indicated in its December 7, 2000 letter to NJDEP, the company received the Department's comments on November 6, 2000, and therefore had until December 6, 2000 to submit the revised RI Report. Sherwin-Williams did not do so, and was therefore in violation of the ACO.

On December 14, 2000, NJDEP issued Sherwin-Williams a letter indicating that the company had fourteen (14) days in which to correct the aforementioned violation, and that failure to do so may result in the unilateral termination of the ACO. This is consistent with Paragraph 71 of the ACO. The letter further stated that while the Department was not granting Sherwin-Williams an extension, the matter would not be immediately referred to enforcement. Rather, NJDEP agreed to act consistently with Sherwin-Williams' stated concerns of a need for an additional sixty (60) days to submit the modified RI Report, or no later than February 5, 2001. Sherwin-Williams was explicitly informed that failure to submit the modified RI Report, consistent with NJDEP's comments, would result in the appropriate enforcement action.

The Department is in receipt of the above-referenced documents and a review has been conducted. The Department has determined that Sherwin-Williams' February 6, 2001 response to the comments and revised Remedial Investigation Report ("RI Report") have not satisfactorily addressed all of the deficiencies noted within the Department's October 31, 2000 comment letter. NJDEP's response to comments is set forth as a separate letter and is enclosed herewith.

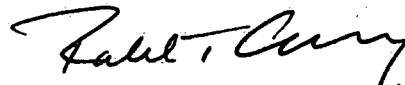
Since 1992, Sherwin-Williams has submitted five remedial investigation reports to the Department related to the investigation of this site. Because of unresolved issues since the submission of the second report in 1994, the Department has not found any of these reports to be consistent with the Technical Requirements for Site Remediation, and therefore, no approvals have been granted (with the exception of the Phase I Report submitted in 1992). In response to the deficiencies that the Department had noted with each report submission, Sherwin-Williams would propose to continue with the investigation and address the unresolved issues with the next report submittal. In the interest of moving ahead with the investigation, the Department agreed to this approach. However, in response to the submission of the last report, the Department stated that an approvable report that conformed to the Department's October 31, 2000 comments was required, prior to moving ahead with additional investigations. As stated previously, Sherwin-Williams was initially provided thirty (30) days to conform to the Department's October 31, 2000 comments and then was allowed an additional sixty (60) days, with the explicit instruction that Sherwin-Williams was to provide a report that conformed to all of the Department's comments.

The report has not been modified to conform to all of the Department's comments and Sherwin-Williams has not provided the Department with an approvable report. Therefore, the Department has determined that Sherwin-Williams continues to be in violation of Paragraph 38 of the September 20, 1990 Administrative Consent Order. In accordance with Paragraph 71 of the September 20, 1990 Administrative Consent Order, the Consent Order is hereby terminated, since Sherwin-Williams has violated its terms and failed to meet its requirements.

The United States Environmental Protection Agency ("EPA") is currently overseeing the remediation of several sites in the vicinity and contiguous with the Sherwin-Williams Gibbsboro site that are related to Sherwin-Williams' former activities in this area. Since EPA is currently handling several Sherwin-Williams related sites within the vicinity and contiguous with the site in question, the Department considers it appropriate to transfer the case to EPA at this time.

If you have any questions regarding this matter, you may contact either John Doyon, Case Manager, at (609) 633-0713 or Gwen Zervas, Section Supervisor, at (609) 633-7261.

Sincerely,



Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

c: John Doyon, Case Manager
Jim Kealy, TC/BEERA
Joe Marchesani, Geologist/BGWPA
Bruce Venner, Bureau Chief/BCM
Gwen Zervas, Section Supervisor/BCM
Mark Pedersen, Bureau Chief/Enforcement
Kenneth W. Elwell, DAG
Robert Lentine, Camden County Health Dept.
Mayor's Office, Borough of Gibbsboro
Emmet Keveney, USEPA Region II
Brandywine Realty Co.